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3 Eastern District of Washington
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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 26, 2025

SEAN F. MCAVOY, CLERK

8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF WASHINGTON

10 UNITED STATES OF AMERICA,

Case No.: 1:25-CR-2086-SAB

11 Plaintiff,

Plea Agreement
(Fast Track U.S.S.G. § 5K3.1)

12 v.

13 MARCO ALVAREZ-ACEVEDO,

14 Defendant.

15
16 Plaintiff United States of America, by and through S. Peter Serrano, United
17 States Attorney for the Eastern District of Washington, and Letitia A. Sikes,
18 Assistant United States Attorney for the Eastern District of Washington, and
19 Defendant Marco Alvarez-Acevedo ("Defendant"), both individually and by and
20 through Defendant's counsel, Juliana Van Wingerden, Assistant Federal Defender,
21 agree to the following Plea Agreement.

22 1. Guilty Plea and Maximum Statutory Penalties

23 Defendant agrees to enter a plea of guilty to the Indictment filed on July 15,
24 2025, which charges Defendant with Alien in the United States After Deportation,
25 in violation of 8 U.S.C. § 1326, a Class C felony.

26 Defendant understands that the following potential penalties apply:

- 27 i. a term of imprisonment of up to twenty years;
28 ii. a term of supervised release of up to three years;

1 iii. a fine of up to \$250,000; and

2 iv. a \$100 special penalty assessment.

3 2. Supervised Release

4 Defendant understands that if Defendant violates any condition of
5 Defendant's supervised release, the Court may revoke Defendant's term of
6 supervised release, and require Defendant to serve in prison all or part of the term
7 of supervised release authorized by statute for the offense that resulted in such term
8 of supervised release without credit for time previously served on post-release
9 supervision, up to the following terms:

10 a. 5 years in prison if the offense that resulted in the term of

11 Supervised Release is a class A felony,

12 b. 3 years in prison if the offense that resulted in the term of

13 Supervised Release is a class B felony,

14 c. 2 years in prison if the offense that resulted in the term of

15 Supervised Release is a class C felony,

16 d. 1 year in prison if the offense that resulted in the term of

17 Supervised Release is a class E felony.

18 Accordingly, Defendant understands that if Defendant commits one or more
19 violations of supervised release, Defendant could serve a total term of
20 incarceration greater than the maximum sentence authorized by statute for
21 Defendant's offense or offenses of conviction.

22 3. The Court is Not a Party to this Plea Agreement

23 The Court is not a party to this Plea Agreement and may accept or reject it.
24 Defendant acknowledges that no promises of any type have been made to
25 Defendant with respect to the sentence the Court will impose in this matter.

26 Defendant understands the following:

27 a. sentencing is a matter solely within the discretion of the Court;

- b. the Court is under no obligation to accept any recommendations made by the United States or Defendant;
- c. the Court will obtain an independent report and sentencing recommendation from the United States Probation Office;
- d. the Court may exercise its discretion to impose any sentence it deems appropriate, up to the statutory maximum penalties;
- e. the Court is required to consider the applicable range set forth in the United States Sentencing Guidelines, but may depart upward or downward under certain circumstances; and
- f. the Court may reject recommendations made by the United States or Defendant, and that will not be a basis for Defendant to withdraw from this Plea Agreement or Defendant's guilty plea.

4. Potential Immigration Consequences of Guilty Plea

If Defendant is not a citizen of the United States, Defendant understands the following:

- a. pleading guilty in this case may have immigration consequences;
- b. a broad range of federal crimes may result in Defendant's removal from the United States, including the offense to which Defendant is pleading guilty;
- c. removal from the United States and other immigration consequences are the subject of separate proceedings; and
- d. no one, including Defendant's attorney or the Court, can predict with absolute certainty the effect of a federal conviction on Defendant's immigration status.

1 Defendant affirms that Defendant is knowingly, intelligently, and voluntarily
2 pleading guilty as set forth in this Plea Agreement, regardless of any immigration
3 consequences that Defendant's guilty plea may entail.

4 5. Waiver of Constitutional Rights

5 Defendant understands that by entering this guilty plea, Defendant is knowingly
6 and voluntarily waiving certain constitutional rights, including the following:

- 7 a. the right to a jury trial;
8 b. the right to see, hear and question the witnesses;
9 c. the right to remain silent at trial;
10 d. the right to testify at trial; and
11 e. the right to compel witnesses to testify.

12 While Defendant is waiving certain constitutional rights, Defendant
13 understands that Defendant retains the right to be assisted by an attorney through
14 the sentencing proceedings in this case and any direct appeal of Defendant's
15 conviction and sentence, and that an attorney will be appointed at no cost if
16 Defendant cannot afford to hire an attorney.

17 Defendant understands and agrees that any defense motions currently
18 pending before the Court are mooted by this Plea Agreement, and Defendant
19 expressly waives Defendant's right to bring any additional pretrial motions.

20 6. Elements of the Offense

21 The United States and Defendant agree that in order to convict Defendant of
22 Alien in the United States After Deportation, in violation of 8 U.S.C. § 1326, the
23 United States would have to prove the following beyond a reasonable doubt.

- 24 a. *First*, on or about April 19, 2022, Defendant was deported from
25 the United States;
26 b. *Second*, after Defendant was deported, he voluntarily entered
27 the United States;
28

- 1 c. *Third*, at the time and after Defendant entered the United States,
2 he knew he was in the United States and knowingly remained;
3 d. *Fourth*, on or about July 3, 2025, Defendant was found in the
4 United States in the Eastern District of Washington, without
5 having obtained the consent of the Attorney General or the
6 Secretary of the Department of Homeland Security to reapply
7 for admission into the United States; and
8 e. *Fifth*, Defendant was an alien at the time of his entry into the
9 United States.

10 7. Factual Basis and Statement of Facts

11 The United States and Defendant stipulate and agree to the following: the
12 facts set forth below are accurate; the United States could prove these facts beyond
13 a reasonable doubt at trial; and these facts constitute an adequate factual basis for
14 Defendant's guilty plea.

15 The United States and Defendant agree that this statement of facts does not
16 preclude either party from presenting and arguing, for sentencing purposes,
17 additional facts that are relevant to the Sentencing Guidelines computation or
18 sentencing, unless otherwise prohibited in this Plea Agreement.

19 Defendant is not a citizen of the United States. Defendant is a citizen and
20 national of Mexico. Defendant was deported from the United States on or about on
21 or about April 19, 2022 at Brownsville, Texas. Prior to Defendant's first removal
22 from the United States, on October 24, 2018, he was convicted of Possession with
23 Intent to Distribute Methamphetamine and Conspiracy to Commit Money
24 Laundering (U.S. District Court Montana, CR-16-75-BLF-SPW-01) and,
25 November 2, 2017, he was convicted of Attempted Possession of Cocaine with
26 Intent to Distribute (U.S. District Court for the Western District of Washington,
27 2:17CR00072RAJ01). Pursuant to 8 USC § 1326(b), 8 USC §1101(a)(43)(B), this
28 leads to an enhanced penalty of up to 20 years of imprisonment and 3 years of

1 supervised release, along with other fines and fees as noted in the Charges &
2 Penalties slip filed July 15, 2025. ECF No. 26.

3 On or about July 3, 2025, Defendant was located by immigration authorities
4 in the Eastern District of Washington. Fingerprints taken from Defendant were
5 submitted to the FBI via the Integrated Automated Fingerprint Identification
6 System (IAFIS), the comparison of which revealed an exact match with
7 Defendant's FBI file which correlates to Defendant's Alien File (A-File). A
8 review of Defendant's A-File revealed no evidence that Defendant has ever sought
9 or received permission to lawfully reenter the United States.

10 By entering a guilty plea, Defendant admits that he is not a citizen of the
11 United States but is a citizen and national of Mexico; that he voluntarily re-entered
12 the United States; and at the time and after he re-entered the United States, he
13 knew that he was in the United States without consent and knowingly remained.

14 8. The United States' Agreements

15 The United States Attorney's Office for the Eastern District of Washington
16 agrees not to bring additional charges against Defendant based on information in
17 its possession at the time of this Plea Agreement that arise from conduct that is
18 either charged in the Indictment or identified in discovery produced in this case,
19 unless Defendant breaches this Plea Agreement before sentencing.

20 9. United States Sentencing Guidelines Calculations

21 Defendant understands and acknowledges that the United States Sentencing
22 Guidelines ("U.S.S.G." or "Guidelines") apply and that the Court will determine
23 Defendant's advisory range at the time of sentencing, pursuant to the Guidelines.
24 The United States and Defendant agree to the following Guidelines calculations.

25 a. Base Offense Level

26 The United States and Defendant agree that the base offense level for Alien
27 in the United States After Deportation is eight (8). U.S.S.G. § 2L1.2(a).

28 b. Adjusted Offense Level

1 The United States and Defendant agree that a ten (10) level increase applies
2 because, after Defendant was ordered deported or ordered removed from the
3 United States for the first, time, Defendant engaged in criminal conduct that, at any
4 time, resulted in a conviction for a felony offense wherein a sentence of 5 years or
5 more was imposed. U.S.S.G. § 2L1.2(b)(2)(A).

6 c. Departures

7 The United States agrees to recommend that Defendant's offense level be
8 adjusted downward an additional two (2) levels pursuant to U.S.S.G. § 5K3.1,
9 based on Defendant's agreement to an early disposition of this case without trial
10 and based on Defendant's agreement not to file or present any pretrial motions,
11 sentencing memoranda, and/or objections to the presentence report. The United
12 States and Defendant agree that they will not seek any further downward or
13 upward departures or variances from the applicable sentencing guideline range.

14 d. Acceptance of Responsibility

15 The United States will recommend that Defendant receive a two-level
16 downward adjustment for acceptance of responsibility, pursuant to U.S.S.G.
17 § 3E1.1(a),(b) if Defendant does the following:

- 18 i. accepts this Plea Agreement;
- 19 ii. enters a guilty plea at the first Court hearing that takes
20 place after the United States offers this Plea Agreement;
- 21 iii. demonstrates recognition and affirmative acceptance of
22 Defendant's personal responsibility for Defendant's
23 criminal conduct;
- 24 iv. provides complete and accurate information during the
25 sentencing process; and
- 26 v. does not commit any obstructive conduct.

27 The United States and Defendant agree that at its option and on written
28 notice to Defendant, the United States may elect not to recommend a reduction for

1 acceptance of responsibility if, prior to the imposition of sentence, Defendant is
2 convicted of any criminal offense or if Defendant tests positive for any controlled
3 substance.

4 e. Agreements Regarding Representations to the Court

5 The United States has a duty of candor to the tribunal. If the United States
6 and Defendant do not agree on the appropriate length of incarceration, the
7 appropriate length or applicable terms of supervised release, and/or the correct
8 guidelines calculations, variances, departures, and/or enhancements, the United
9 States reserves the right to respond to any and all arguments made by Defendant,
10 on any bases the United States deems appropriate, at all stages of this criminal
11 case.

12 Defendant may make any arguments it deems appropriate, at all stages of
13 this criminal case.

14 With regard to all briefing, submissions, and hearings in this criminal case,
15 the United States and Defendant agree to the following provisions:

- 16 i. The United States and Defendant may each respond to
17 any questions from the Court or United States Probation
18 Office;
- 19 ii. The United States and Defendant may each supplement
20 the facts under consideration by the Court by providing
21 information the United States or Defendant deems
22 relevant;
- 23 iii. The United States and Defendant may each present and
24 argue any additional facts that the United States or
25 Defendant believe are relevant to the Sentencing
26 Guidelines computation or sentencing;
- 27 iv. The United States and Defendant may each present and
28 argue information that may already be known to the

1 Court, including information contained in the
2 Presentence Investigation Report;

3 v. The United States and Defendant may each respond to
4 any arguments presented by the other;

5 vi. In order to support the United States' sentencing
6 recommendation as set forth herein, the United States
7 may oppose and argue against any defense argument or
8 any recommendation for any sentence lower than the
9 sentence recommended by the United States on any basis,
10 including arguments for a lower offense level, a lower
11 criminal history calculation, the application or non-
12 application of any sentencing enhancement or departure,
13 and/or any variance from the Guidelines range as
14 calculated by the Court;

15 vii. In order to support the defense sentencing
16 recommendation as set forth herein, Defendant may
17 oppose and argue against any argument by the United
18 States, or any recommendation for any sentence higher
19 than the sentence recommended by the defense on any
20 basis, including arguments for a higher offense level, a
21 higher criminal history calculation, the application or
22 non-application of any sentencing enhancement or
23 departure, and/or any variance from the Guidelines range
24 as calculated by the Court;

25 viii. The United States may make any sentencing arguments
26 the United States deems appropriate so long as they are
27 consistent with this Plea Agreement, including arguments
28 arising from Defendant's uncharged conduct, conduct set

1 forth in charges that will be dismissed pursuant to this
2 Plea Agreement, and Defendant's relevant conduct; and

3 ix. Defendant may make any sentencing arguments
4 consistent with this Plea Agreement Defendant deems
5 appropriate.

6 f. No Other Agreements

7 The United States and Defendant have no other agreements regarding the
8 Guidelines or the application of any Guidelines enhancements, departures, or
9 variances. Defendant understands and acknowledges that the United States is free
10 to make any sentencing arguments it sees fit, including arguments arising from
11 Defendant's uncharged conduct, conduct set forth in charges that will be dismissed
12 pursuant to this Agreement, and Defendant's relevant conduct.

13 g. Criminal History

14 The United States and the Defendant agree to the criminal history
15 calculations contained in the abbreviated presentence report prepared by the United
16 States Probation Office.

17 10. Presentence Report

18 The United States Probation Office has prepared an abbreviated presentence
19 investigation report in this case. The United States and Defendant believe they can
20 provide sufficient information to the Court on the record to enable the Court,
21 together with the abbreviated presentence investigation report, to exercise
22 meaningful sentencing discretion, pursuant to 18 U.S.C. § 3553. Thus, the United
23 States and Defendant request that the Court waive the preparation of a full
24 presentence investigation report pursuant to Fed. R. Crim. P. 32(c)(1)(A)(ii). The
25 United States and Defendant agree not to file or present any sentencing
26 memoranda and/or objections to the presentence report.

27 11. Incarceration
28

1 The United States and the Defendant each agree to recommend a sentence of
2 incarceration within the Sentencing Guideline range.

3 12. Supervised Release

4 The United States and Defendant agree to recommend that the Court impose
5 a term of supervised release. Defendant agrees that the Court's decision regarding
6 the term and conditions of Defendant's Supervised Release is final and non-
7 appealable; that is, even if Defendant is unhappy with the term or conditions of
8 Supervised Release ordered by the Court, that will not be a basis for Defendant to
9 withdraw Defendant's guilty plea, withdraw from this Plea Agreement, or appeal
10 Defendant's conviction, sentence, or any condition of Supervised Release.

11 13. Criminal Fine

12 The United States and Defendant may make any recommendation
13 concerning the imposition of a criminal fine. Defendant acknowledges that the
14 Court's decision regarding a fine is final and non-appealable; that is, even if
15 Defendant is unhappy with a fine ordered by the Court, that will not be a basis for
16 Defendant to withdraw Defendant's guilty plea, withdraw from this Plea
17 Agreement, or appeal Defendant's conviction, sentence, or fine.

18 14. Mandatory Special Penalty Assessment

19 Defendant agrees to pay the \$100 mandatory special penalty assessment to
20 the Clerk of Court for the Eastern District of Washington, pursuant to 18 U.S.C.
21 § 3013.

22 15. Payments While Incarcerated

23 If Defendant lacks the financial resources to pay the monetary obligations
24 imposed by the Court, Defendant agrees to earn money toward these obligations by
25 participating in the Bureau of Prisons' Inmate Financial Responsibility Program.

26 16. Additional Violations of Law Can Void Plea Agreement

27 The United States and Defendant agree that the United States may, at its
28 option and upon written notice to the Defendant, withdraw from this Plea

1 Agreement or modify its sentencing recommendation if, prior to the imposition of
2 sentence, Defendant is convicted of any criminal offense or tests positive for any
3 controlled substance.

4 17. Waiver of Appeal Rights

5 Defendant understands that Defendant has a limited right to appeal or
6 challenge Defendant's conviction and the sentence imposed by the Court.

7 Defendant expressly waives all of Defendant's rights to appeal Defendant's
8 conviction and the sentence the Court imposes.

9 Defendant expressly waives Defendant's right to appeal any fine, term of
10 supervised release, or restitution order imposed by the Court.

11 Defendant expressly waives the right to file any post-conviction motion
12 attacking Defendant's conviction and sentence, including a motion pursuant to
13 28 U.S.C. § 2255, except one based on ineffective assistance of counsel arising
14 from information not now known by Defendant and which, in the exercise of due
15 diligence, Defendant could not know by the time the Court imposes sentence.

16 Nothing in this Plea Agreement shall preclude the United States from
17 opposing any post-conviction motion for a reduction of sentence or other attack
18 upon the conviction or sentence, including, but not limited to, writ of habeas
19 corpus proceedings brought pursuant to 28 U.S.C. § 2255.

20 18. Withdrawal or Vacatur of Defendant's Plea

21 Should Defendant successfully move to withdraw from this Plea Agreement
22 or should Defendant's conviction be set aside, vacated, reversed, or dismissed
23 under any circumstance, then:

- 24 a. this Plea Agreement shall become null and void;
25 b. the United States may prosecute Defendant on all available
26 charges;
27 c. the United States may reinstate any counts that have been
28 dismissed, have been superseded by the filing of another

charging instrument, or were not charged because of this Plea Agreement; and

d. the United States may file any new charges that would otherwise be barred by this Plea Agreement.

The decision to pursue any or all of these options is solely in the discretion of the United States Attorney's Office.

Defendant agrees to waive any objections, motions, and/or defenses Defendant might have to the United States' decisions to seek, reinstate, or reinitiate charges if a count of conviction is withdrawn, set aside, vacated, reversed, or dismissed, including any claim that the United States has violated Double Jeopardy.

Defendant agrees not to raise any objections based on the passage of time, including but not limited to, alleged violations of any statutes of limitation or any objections based on the Speedy Trial Act or the Speedy Trial Clause of the Sixth Amendment.

19. Integration Clause

The United States and Defendant acknowledge that this document constitutes the entire Plea Agreement between the United States and Defendant, and no other promises, agreements, or conditions exist between the United States and Defendant concerning the resolution of the case.

This Plea Agreement is binding only on the United States Attorney's Office for the Eastern District of Washington, and cannot bind other federal, state, or local authorities.

The United States and Defendant agree that this Agreement cannot be modified except in a writing that is signed by the United States and Defendant.

Approvals and Signatures

Agreed and submitted on behalf of the United States Attorney's Office for the Eastern District of Washington.

1 S. Peter Serrano
2 United States Attorney

3 
4 _____
5 Letitia A. Sikes
6 Assistant United States Attorney


8/25/25
Date

7 I have read this Plea Agreement and I have carefully reviewed and discussed
8 every part of this Plea Agreement with my attorney. I understand the terms of this
9 Plea Agreement. I enter into this Plea Agreement knowingly, intelligently, and
10 voluntarily. I have consulted with my attorney about my rights, I understand those
11 rights, and I am satisfied with the representation of my attorney in this case. No
12 other promises or inducements have been made to me, other than those contained
13 in this Plea Agreement. No one has threatened or forced me in any way to enter
14 into this Plea Agreement. I agree to plead guilty because I am guilty.

15 marco A
16 _____
17 Marco Alvarez-Acevedo
18 Defendant

8/25/25
Date

19 I have read the Plea Agreement and have discussed the contents of the
20 agreement with my client. The Plea Agreement accurately and completely sets
21 forth the entirety of the agreement between the parties. I concur in my client's
22 decision to plead guilty as set forth in the Plea Agreement. There is no legal reason
23 why the Court should not accept Defendant's guilty plea.

24 
25 _____
26 Juliana Van Wingerden
27 Attorney for Defendant

Date

28 Interpreter Certification

I hereby certify that I have read and translated the entire foregoing document
to Defendant in a language with which Defendant is conversant. If questions have
PLEA AGREEMENT - 14

1 arisen, I have notified Defendant's counsel of the questions and have not offered
2 nor given legal advice nor personal opinions.

3
4
5 Interpreter


Jennifer Gutierrez

Date

8/25/25